
Appeal Decision

Site visit made on 10 November 2014

by K G Smith BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2014

Appeal Ref: APP/N1215/A/13/2205814

Land at the rear of The Villa, Red Lion Yard, Blandford Forum DT11 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr D Green against the decision of North Dorset District Council.
 - The application Ref 2/2012/1133/PLNG, dated 4 September 2012, was refused by a notice dated 25 March 2013.
 - The development proposed is the erection of a new one and a half storey house and detached car port and store.
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Decision

1. The appeal is dismissed.

Background

2. The appeal site is located within a walled yard that is approached from the southern side of the Market Place in Blandford Forum via an archway through the frontage buildings. From there, a narrow lane or shared private driveway passes between buildings and past small parking areas to the site, which is used in connection with Digwells Garden Shop/Nursery and contains open land and a number of dilapidated sheds and greenhouses.
3. The site lies within Flood Zone 3 as classified by the Environment Agency (EA). The southern boundary of the site is defined by a substantial 2m high flood defence wall, built in brick. One party states that this structure was completed in 1993 while the other says it was in about 1989 but neither side places any significance on the precise date. The wall is part of the Blandford Flood Defence Scheme. Behind the wall is the leat channel, an island and then the River Stour.
4. The appeal site is within a Conservation Area. The Georgian Town Centre town core, built in 1731-1760, was described in the 1970 Donald W Insall and Associates' Report as ".....the most complete and cohesive surviving example of a Georgian country town in England". Within the Town Centre Conservation Sub-Area, which covers all of the area destroyed in a fire in 1731 plus some peripheral areas, are eight Grade I Listed Buildings and six of Grade II*. The Market Place, within The Market Place and Church Environs Sub-Area, was designed by the Bastard Brothers after the fire, as Blandford's 'piece de resistance'. The Market Place and surrounding area contain the greatest concentration of Grade I and Grade II* buildings in the town.

5. Saved Policy BL2 seeks to ensure that development will only be approved in the Conservation Area if the proposal is in keeping with the intrinsic character of the environmental sub-area within which it is located. In this case, the site is within Conservation Area Sub-Areas (ii) The Market Place and Church Environs and (iii) Land South of East Street.

Main Issues

6. The main issues are: the effect on the Conservation Area; the settings of the listed buildings; the risk from flooding; and sustainability and housing land supply.

Reasons

Conservation Area

7. I am required to pay special attention to the desirability of preserving or enhancing the character or the appearance of the Conservation Area. The form of development near the site on the south side of the Market Place/East Street comprises generally taller imposing properties on the road frontage from which runs the historic linear pattern of long narrow burgage plots on gently sloping land down towards the River Stour, with buildings progressively reducing in height, scale and richness of detail. Near to the flood protection wall, the land – which had had little protection from flooding prior to the construction of the wall – is, like the appeal site, more open and less developed.
8. Some of the historic burgage plot buildings have been demolished and their places taken by parking areas, small gardens and/or more modern houses; some walls have been demolished for vehicular access. Nevertheless, this part of the Conservation Area retains a distinct, very charming and delightful historic character.
9. I acknowledge that the effect on the Conservation Area is not a reason for refusal and that saved Policy BL2 does not preclude all development. Other points that have been put on this subject include an argument on precedent that much of the land between the Market Place and the River Stour is not subject to development pressures because the land is inaccessible; that other dwellings have been constructed within the area of burgage plots, albeit few since about 1974; that the site is within the settlement boundary, within the town centre and well screened by the trees to the south; and that the new dwelling would not be seen from the archway that leads from the Market Place. Also, it is argued that the appellant's nursery business would be likely to continue, such that the proposed dwelling would not compromise the mixed residential/commercial character of the immediate surroundings.
10. The Council's statement concludes on this subject that the proposal would not "materially adversely affect the character or visual amenity of the designated Blandford Conservation Area", a view that is not shared by the Campaign to Protect Rural England, North Dorset Group. **The appellant argues that the area south of Market Place and East Street has evolved and is evolving and that, while its general character remains reasonably strong and coherent, its vitality is being eroded. I agree but would the proposed dwelling help to continue or to reverse that process?**
11. The Council accepts that the proposed dwelling would be a well-proportioned small scale traditional building, located longitudinally within the plot. The 1.5